

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JUSTIN ZERUTH,)	
Petitioner,)	C.A. No. 24-145 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Chief Magistrate Judge Richard Lanzillo
WARDEN OF SCI-FOREST,)	
Respondent.)	

MEMORANDUM ORDER


This *pro se* action for habeas corpus relief was filed on June 4, 2014, by Petitioner Justin Zeruth, an inmate incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”). The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. In his petition, Petitioner challenges his federal conviction in the United States District Court for the Western District of Pennsylvania at Criminal Docket No. 2:21-cr-00355-CCW-37 [ECF No. 1].

On June 14, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be dismissed pursuant to Rule 4 of the Rules Governing Section 2254 cases “because § 2254 does not provide an appropriate or available federal remedy for [Petitioner’s] claims.” [ECF No. 3]. In particular, Judge Lanzillo noted that § 2254 only pertains to challenges to a State court judgment of conviction or sentence, while Petitioner is challenging his federal conviction. As a result, Petitioner’s only remedy is to file a motion to vacate under 28 U.S.C. § 2255 in the sentencing court. No timely objections to the R&R have been filed.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 6th day of August, 2024,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED pursuant to Rule 4 of the Rules Governing Section 2254 cases because Section 2254 does not provide a federal remedy for Petitioner's claims. The report and recommendation of Chief Magistrate Judge Lanzillo, dated June 14, 2024 [ECF No. 3], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER

United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief United States Magistrate Judge

All parties of record